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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KERNS, KEVIN P

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,447

Applicant(s)

SAMPLER, GARY R.

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☒ Claim(s) 9, 11 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because reference number "84" should be changed to "98" (tapered end surface) in the top three collets of Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this instance, all four instances of use of the legal term "comprises" should be changed to "includes".

3. The disclosure is objected to because of the following informalities: in the Amendments to the Specification section of the preliminary amendment of October 4, 2004, all three of the substitution paragraphs indicate incorrect pages/lines. Page 6, line 11 should be changed to Page 6, line 14; Page 7, line 1 should be changed to Page 7, line 4; and Page 9, line 9 should be changed to Page 9, line 14. Appropriate correction is required.

Claim Objections

4. Claims 9, 11, and 19 are objected to because of the following informalities: in claim 9, 2nd line, add "the" before "second" for clarity. In claim 11, 1st line, replace "A kit for a welding torch" with "A welding torch system" for agreement with the "system" in dependent claims 12-18. In claim 19, 2nd line, add "said collet body" before "comprising" for clarity, as it is not clear grammatically whether the "collet body" or the "welding torch

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body" is being modified by "comprising", although the "collet body" is what is intended.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (US 4,543,461).

Hill discloses an arc welding torch and collet assembly, in which the collet assembly includes a collet body (20,26) securable to a welding torch body (10,12); a surface extending circumferentially around an interior passageway through the collet body (20,26) having a front end 26; a collet 22 that grips electrode E, both of which are disposed in the interior passageway of the collet body (20,26), in which the passageway includes a cylindrical portion; and a surface configured to compress the collet 22 into the cylindrical portion as the collet 22 is urged into the collet body (20,26) via surfaces (38,39) of tapered region 30, which prevents expansion of the collet when disposed therein (abstract; column 1, lines 5-9, 35-53, and 65-68; column 2, lines 1-68; column 3, lines 1-52; and Figures 1 and 2).

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7. Claims 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by New et al. (US 5,772,102).

New et al. disclose a gas lens assembly for an arc welding torch, in which the assembly includes a collet body (lens assembly 24,26,28) securable to a welding torch body (20,40); a surface extending circumferentially around an interior passageway through the collet body (24,26,28) having a front end 26; a collet (54,56) that grips electrode 48, both of which are disposed in the interior passageway of the collet body (24,26,28), in which the passageway includes a cylindrical portion; and a surface configured to compress the collet (54,56) into the cylindrical portion as the collet (54,56) is urged into the collet body (24,26,28) via surfaces of tapered inside wall 60, which prevents expansion of the collet when disposed therein (abstract; column 3, lines 6-67; column 4, lines 1-55; and Figures 3 and 6).

Allowable Subject Matter

8. Claims 1-18 are allowed. [Note: claims 9 and 11 include claim objections -- see paragraph 4.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest the following: 1) a method of securing a welding electrode to a welding torch using a collet, in which the method includes the steps of urging the collet against a first portion of the collet body to compress an end portion of the collet against the welding electrode, and urging the collet further into the

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collet body to dispose the end portion of the collet into a cylindrical portion of the collet body having a diameter corresponding to the compressed end portion of the collet to prevent the end portion of the collet from expanding (independent claim 1); 2) a collet body that includes first and second cylindrical inner portions having differing diameters, with a surface intermediate the first and second cylindrical inner portions being configured to compress an end of a collet having an initial outer diameter intermediate the first and second diameters to a final outer diameter less than the second diameter as the collet is disposed against the surface (independent claim 6); and 3) a welding torch system that includes a collet body securable to the welding torch, such that the collet body includes a first inner portion configured to compress an end portion of a collet against a welding electrode as the collet is urged against the first inner portion, and a cylindrical inner portion having a diameter less than an outer diameter of the collet, wherein the cylindrical inner portion receives the compressed end portion of the collet as the collet is urged further into the collet body and the cylindrical inner portion is configured to prevent the compressed end portion of the collet from expanding (independent claim 11).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Klasson, Rehrig, Jr., and two Samler references are also cited in PTO-892.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns *Kevin Kerns 7/22/05*
Primary Examiner
Art Unit 1725

KPK
kpk
July 22, 2005